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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Declan Patrick Kelly

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BRIARCLIFF MANOR, NY 10510

EXAMINER

DUDEK JR, EDWARD J

ART UNIT

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2186

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,815	Applicant(s) KELLY ET AL.	
	Examiner Edward J. Dudek	Art Unit 2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-14 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-14 and 16-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the amendment filed on 21 November 2008 in application #10/552,815.

Claims 1-7, 10-14, and 16-24 are pending and have been presented for examination.

Claims 8-9 and 15 have been cancelled.

Response to Arguments

Applicant's arguments filed 21 November 2008 have been fully considered but they are not persuasive.

Applicant argues "These features are nowhere disclosed or suggested in Bradley. Assuming, arguendo, that Bradley discloses splitting the image of a first file system into different categories, Bradley still does not disclose or suggest storing the different categories in different files of the second file system.

The Examiner respectfully disagrees. Bradley discloses creating classes of objects (volume, directory, and class) based on the metadata of the files of the file system that is being translated into a dynamic flat file system. These classes hold information about what types of actions can be performed on objects that are members of the class, these actions are actions that convey the same information the original metadata associated with the file conveyed. Data from the original file system now becomes part of a volume, directory, or file class based on its metadata. The data is now logically grouped together. A file is a complete named collection of information,

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such as a program, a set of data used by a program, or a user created document. The data that is part of the file class can be considered a file, since it is a named collection of data and is used by a program, as can the data that is part of the volume and directory classes. The rejection is maintained as repeated below.

In regards to the rejection of claim 21 in which Official Notice was taken, the rejection has been amended to include a reference disclosing the facts alleged as being well known.

In regards to the remaining rejections that rely on Official Notice, the well-known in the art statement is taken to be admitted prior art since applicant failed to traverse examiner's assertion of Official Notice.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6, 11-13, 16-17, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradley (U.S. Patent Application Publication #2002/0065810).

As per claim 1: Bradley discloses a drive device for a record carrier, said drive device comprising: interface means for providing a first format for inputting or outputting data according to a first file system (**see figure 6, element 604 and [0130]**); and mapping means for mapping said first format to a second format according to a second

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file system used on said record carrier **(see [0132])**; wherein said mapping means is adapted to reserve space on the record carrier for an image of said first file system in the logical specification of said second format **(see [0096]-[0100])**, wherein said mapping means is further adapted to split said image of said first file system into different categories based on properties of data structures, and to store said split file components in different files of said second file system **(see [0034] and [0044]-[0045])**.

As per claim 4: wherein said first file system is a FAT file system **(see [0041])**.

As per claim 6: wherein said record carrier is an optical disk **(see [0114], an optical disk is capable of storing data)**.

As per claim 11: wherein said image of said first file system corresponds to a single file of said second file system **(see [0034] and [0044]-[0045], if there was only one category of data stored in the file system, then there would be only one class of data created and therefore only one file)**.

As per claim 12: wherein said device provides access to files of said second file system via said interface means by hosts which do not know said second file system **(see [0110])**.

As per claim 13: wherein said second file system is interpreted by said mapping means which is arranged to write equivalent structures of said first file system to said record carrier **(see [0108])**.

As per claim 16: wherein said different categories comprise at least one of a robust allocation class and a volatile allocation class for file structures **(see [0034])**.

As per claim 17: wherein said mapping means is arranged to mount said second file system on said record carrier and to translate said second file system in a memory means into equivalent structures of said first file system **(see [0133])**.

As per claim 22: wherein said mapping means is arranged to provide a dynamic mapping between data structures of said first file system and data structures of said second file system **(see [0132])**.

As per claim 23: Bradley discloses a method of reading from or writing to a record carrier, said method comprising the steps of: outputting or inputting data using a first format according to a first file system **(see figure 6, element 604 and [0130])**; and mapping said first format to a second format according to a second file system used on said record carrier **(see [0132])**; reserving space on the record carrier for an image of said first file system in the logical specification of said second format **(see [0096]-[0100])**; splitting said image of said first file system into different categories based on properties of data structures **(see [0034] and [0044]-[0045])**; storing said split file components in different files of said second file system **(see [0034] and [0044]-[0045])** wherein the mapping step is arranged to treat said reserved space as a partition of said first file system **(see [0135], the mount command is used to attach file systems, e.g. partitions, of a hard drive to the Unix system file system tree. Therefore when using a Unix system, the reserved space will be treated as a partition when implementing the mount/unmount commands)**.

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As per claim 24: wherein said mapping means is arranged to treat said reserved space as a partition of said first file system **(see [0135], the mount command is used to attach file systems, e.g. partitions, of a hard drive to the Unix system file system tree. Therefore when using a Unix system, the reserved space will be treated as a partition when implementing the mount/unmount commands).**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 7, 10, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (U.S. Patent Application Publication #2002/0065810) in view of well known practices in the art.

As per claim 2: Bradley discloses all the limitations of claim 1 as discussed above. Bradley does not explicitly teach that said interface means is a standard interface for storage devices. Standard interfaces for storage devices were well known in the art at the time the invention was made. Providing a device to access the rotating media with a standard interface would provide the greatest compatibility for using the device in a computer system, and Official Notice is hereby taken. It would have been obvious to a person having ordinary skill in the art to which said subject matter pertains

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to have modified the system disclosed by Bradley to use a standard interface for the rotating media device to provide the greatest compatibility among computer systems.

As per claims 3 and 7: Ando discloses all the limitations of claim 1 as discussed above. Bradley fails to disclose said standard interface is a PCMCIA, Compact Flash, or MMCA interface. PCMCIA interfaces were well known in the art at the time the invention was made. Providing the storage device with a PCMCIA interface would allow the device to also be portable and useable with laptop computers, since the PCMCIA port was common on laptops and was the main port where expansion devices were connected, and Official Notice is hereby taken. It would have been obvious to a person having ordinary skill in the art to which said subject matter pertains to have modified the system disclosed by Bradley to provide the storage device with a PCMCIA port to allow the device to be portable and useable with laptop computers.

As per claim 10: Bradley discloses a drive device for a record carrier, said drive device comprising: interface means for providing a first format for inputting or outputting data according to a first file system (**see figure 6, element 604 and [0130]**); and mapping means for mapping said first format to a second format according to a second file system used on said record carrier (**see [0132]**); wherein said mapping means is adapted to reserve space on the record carrier for an image of said first file system in the logical specification of said second format (**see [0096]-[0100]**), wherein said mapping means is further adapted to split said image of said first file system into different categories based on properties of data structures, and to store said split file components in different files of said second file system (**see [0034] and [0044]-[0045]**).

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Bradley fails to disclose said mapping means is arranged to apply a defect management to said reserved space. All storage mediums are subject to faults, and often times there are a number of sectors which are not capable of storing data. At format time these deficiencies are detected and the mapping of the file system routes storage request around these bad areas. The next problem is when a defective sector is found on an active drive. Reformatting to detect these bad sectors again is not a viable option. To work with this problem, defect management is implemented to remap data to a set of reserved sectors that are used to replace defective sectors found after format, and Office Notice is hereby taken. It would have been obvious to a person having ordinary skill in the art to which said subject matter pertains to have modified the system disclosed by Bradley to implement defect management to account for bad sectors that may be located during use of the storage medium so that the system can continue to reliably use the medium and "map out" the bad areas to prevent data corruption or loss.

As per claim 18: Bradley discloses all the limitations of claims 1 and 17 as discussed above. Bradley fails to disclose that the memory means is a non-volatile memory. Bradley discloses loading the super-block into memory, see [0133], which will change as the consumer system updates the data. If the system were to lose power, then all the data that was updated is also lost. It was well known in the art at the time the invention was made to utilize non-volatile memory in instances where data is to be protected during loss of power, and Official Notice is hereby taken. It would have been obvious to a person having ordinary skill in the art to which said subject matter pertains to have modified the system disclosed by Bradley, to load the super-block into non-

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volatile memory so that any updates that are made to the data are not lost in the event that the host system loses power before the data can be transferred back to disk storage.

As per claim 19: wherein said second file system is updated by said device when said record carrier is ejected **(see [0135], since the file system is mounted when the requester has a Unix based file system, before the device can be removed from the system, e.g. ejected, the device must first be un-mounted. During this un-mount process any data structures that are in memory that have been updated are written back to the storage media. Therefore it is inherent that the file system would be updated when said record carrier is ejected).**

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (U.S. Patent Application Publication #2002/0065810) in view of Fujimoto (U.S. Patent #6,377,500).

As per claim 21: Bradley discloses all the limitations of claims 1 and 17 as discussed above. Bradley fails to disclose wherein said mapping means is arranged to store static data structures of said first file system in a file on said record carrier and volatile data structures of said first file system in said memory means. Fujimoto discloses that as the addressable size of memory increases, so must the data structures that map logical addresses to physical addresses. And also, this mapping structure is stored in RAM, volatile memory, to allow fast access to the data structure and to allow changing the data structure easier and faster. Since the available space in

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RAM is limited, and the memory is expensive, there will be a point where it is no longer feasible to keep increasing the amount of available RAM to hold the mapping tables (see column 1, line 40 thru column 2, line 15). Therefore, Fujimoto maintains multiple mapping tables and enough RAM space to hold at least one, but fewer than all, of the mapping tables. The table that is currently being used to perform mapping functions is stored in the RAM, since this table requires fast access and could change based on the manipulations to the files. The remaining tables are stored in the non-volatile memory, since they are not needed and therefore would waste valuable memory resources. It would have been obvious to a person having ordinary skill in the art to which said subject matter pertains to have modified the system disclosed by Bradley, to store the volatile data structures in memory, to allow fast access to the data structures that are currently being used and may change rather than waiting for the changes to be written to the secondary storage, and to stored the data structures that are not being used and will not change in the non-volatile storage so as not to waste valuable memory resources, as taught by Fujimoto.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (U.S. Patent Application Publication #2002/0065810).

As per claim 5: Bradley discloses a drive device for a record carrier, said drive device comprising: interface means for providing a first format for inputting or outputting data according to a first file system (**see figure 6, element 604 and [0130]**); and mapping means for mapping said first format to a second format according to a second

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file system used on said record carrier (**see [0132]**); wherein said mapping means is adapted to reserve space on the record carrier for an image of said first file system in the logical specification of said second format (**see [0096]-[0100]**), wherein said mapping means is further adapted to split said image of said first file system into different categories based on properties of data structures, and to store said split file components in different files of said second file system (**see [0034] and [0044]-[0045]**).

Bradley does not explicitly disclose said second file system is a UDF file system.

Bradley discloses that the system is capable of using multiple types of media for storage (**see [0114]**), and that the file system translator is a superset of all known file systems and is capable of translating a request from any consumer I/O file system to the file system of the storage medium (**see [0134]**). There are a limited number of file systems in existence, each one providing certain advantages and disadvantages. UDF file systems are typically used with optical mediums, e.g., CD-ROM. Since an optical medium could be used with this system it would have been obvious to a person of ordinary skill in the art to use a UDF file system to store data on the storage medium.

"When there is a design need for market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp." *KSR*, 82

USPQ2d at 1397.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (U.S. Patent Application Publication #2002/0065810) in view of Orcutt (U.S. Patent #6,377,958) and well known practices in the art.

As per claim 14: Bradley discloses a drive device for a record carrier, said drive device comprising: interface means for providing a first format for inputting or outputting data according to a first file system (**see figure 6, element 604 and [0130]**); and mapping means for mapping said first format to a second format according to a second file system used on said record carrier (**see [0132]**); wherein said mapping means is adapted to reserve space on the record carrier for an image of said first file system in the logical specification of said second format (**see [0096]-[0100]**), wherein said mapping means is further adapted to split said image of said first file system into different categories based on properties of data structures, and to store said split file components in different files of said second file system (**see [0034] and [0044]-[0045]**). Bradley fails to disclose said mapping means is adapted to convert a file of said first file system into clusters of a predetermined size which corresponds to a packet size of said second file system and to align said cluster with packets of said second file system. Orcutt discloses that different file systems may have different cluster sizes, and when converting between the two the cluster will have to be resized to match one of the file systems (**see column 16, lines 44-52**). Another issue when storing data is fragmentation. Internal fragmentation occurs when a cluster or sector is not completely filled with data. This often occurs at the ends of files when there is just a little bit of data left to store, but not a whole sector or clusters worth. The problem with internal

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fragmentation is that this area is unusable to the file system, and there is almost no way to reclaim it. The exception being that if the file is altered and becomes longer, the file can then expand and fill that last cluster or sector. Official Notice of this is hereby taken. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system disclosed by Bradley to align the clusters and packets, and to resize the clusters into a size that corresponds with a size of the packets to reduce internal fragmentation and get the most efficient use of the storage area.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (U.S. Patent Application Publication #2002/0065810) in view of well known practices in the art as applied to claims 18-19 above, and further in view of MRAM (<http://en.wikipedia.org/wiki/MRAM>).

As per claim 20: the combination of Bradley and well known practices in the art disclose all the limitations of claims 1 and 17-19 as discussed above. The combination fails to disclose that said non-volatile memory is an MRAM. MRAM is another type of non-volatile memory and provides the advantages of speeds similar to SRAM, density similar to DRAM, and no degradation over time as in flash memories (**see MRAM, "Overall"**). It would have been obvious to a person having ordinary skill in the art to which said subject matter pertains to have modified the combination of Bradley and well known practices in the art to use MRAM, to gain the advantages of speeds similar to SRAM, density similar to DRAM, and no degradation over time as in flash memories, as disclosed by MRAM.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Dudek whose telephone number is 571-270-1030. The examiner can normally be reached on Mon thru Thur 7:30-5:00pm Sec. Fri 7:30-4 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. J. D./
Examiner, Art Unit 2186
February 11, 2009

/Sheng-Jen Tsai/
Primary Examiner, Art Unit 2186